United Nations A/C.6/52/SR.26

General Assembly
Fifty-second session

Official Records

Distr.: General
2 February 1998
English
Original: Spanish

Sixth Committee

Summary record of the 26th meeting
Held at Headquarters, New York, on Tuesday, 11 November 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

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97-82706 (E)

The meeting was called to order at 10.25 a.m

Organization of work

1. **The Chairman**, following a discussion of the organization of work in which the representatives of the United States of America, the Russian Federation and the Islamic Republic of Iran participated, suggested a schedule for the Committee's consideration of agenda item 152 (Measures to eliminate international terrorism). He took it that the Committee wished to proceed accordingly.

2. *It was so decided.*

Agenda item 144: Convention on jurisdictional immunities of States and their property (A/52/294)

3. **Mr. Saguier Caballero** (Paraguay), speaking on behalf of the States members of the Rio Group, said that the intensification of relations between States and between States and individuals made it necessary to adopt clear rules concerning jurisdictional immunities of States and their property, which would help to prevent disputes. For that reason, he expressed particular satisfaction at the decision taken by the General Assembly in paragraph 1 of its resolution 49/61, of 9 December 1994, to convene an international conference of plenipotentiaries to consider the articles on jurisdictional immunities of States and their property and to conclude a convention on the subject. The draft articles prepared by the International Law Commission constituted an excellent basis for the conclusion of such a convention; while the complexity of the topic and the diversity of national perspectives on sovereign immunities would continue to give rise to difficulties, the possible conciliatory formulas proposed by the Chairman of the informal consultations held pursuant to General Assembly decision 48/413 of 9 December 1993 (A/C.6/49/L.2) were worthy of detailed analysis. In that connection, he expressed appreciation for the skilful efforts of Ambassador Carlos Calero-Rodrigues, which had laid the groundwork for resolving the existing differences. A balance must be struck between international cooperation, State responsibility and respect for States' domestic jurisdiction. In accordance with General Assembly resolution 49/61, he reaffirmed his delegation's willingness to work with others in preparing for the international convention on jurisdictional immunities of States and their property and to consider all proposals that might contribute to the success of the conference. In that connection, it would be very useful to establish a working group of the Sixth Committee at the fifty-third session of the General Assembly; the working group would consider outstanding substantive issues and organize the preparatory work for the conference, taking into account the results of consultations and any new proposals which might be submitted. Lastly, he believed that 1999, the year in which the United Nations Decade of International Law would conclude, would be a very timely occasion for the holding of the conference, and that United Nations Headquarters appeared to be the most appropriate venue.

4. **Mr. Alabrune** (France) expressed appreciation for the work of the International Law Commission and noted with interest the draft articles on jurisdictional immunities of States and their property, which provided a useful and acceptable basis of work; he reaffirmed his support for the elaboration of a convention on the topic. Currently, any State could determine unilaterally the immunities which other States enjoyed in its territory. Some States, especially those which had a common-law system, had enacted their own laws in the matter. Others, like his country, which had a civil-law tradition, relied on judicial precedent. The essentially national origin of the immunities regime and the variety of national authorities which could establish it meant that different rules were applied in similar situations and that disparities might increase. The elaboration of a universally applicable international convention had as its aim to eliminate disparities by conferring the same rights and obligations on all States.

5. In its resolution 49/61 of 9 December 1994, the General Assembly had decided that consideration of the draft articles on jurisdictional immunities of States and their property prepared by the International Law Commission would be resumed at the current session; however, the time allotted to that important item in 1997 precluded the holding of a substantive debate. His Government had accepted the time constraints on condition that consideration of the draft convention be included in the agenda of the Assembly's next session. At the current session, the Committee should establish a working group to consider, over a period of two weeks, the possibility of convening a diplomatic conference. Otherwise, delegations would not be sufficiently prepared to enable a real convergence of views to take place, which would be in the interest of all.

6. With regard to the draft articles, there was a need to clarify some of the definitions contained therein, such as "constituent units of a federal State" (art. 2, para. 1 (b) (ii)); such units should not be entitled to invoke State immunity without a prior declaration by the federal State to which they belonged. Moreover, he failed to grasp exactly what was meant by "political subdivisions of the State which are entitled to perform acts in the exercise of the sovereign authority of the State" (art. 2, para. 1 (b) (iii)); that provision might result in excessive growth in the number of bodies

which could determine the commercial character of a transaction, based not only on its nature but also on its purpose, so that jurisdictional immunities might apply to commercial contracts concluded for specifically public ends (art. 2, para. 1 (c), and para. 2).

7. The provisions concerning personal injuries and damage to property (art. 12) should also be clarified, taking into account, in particular, the draft articles on State responsibility. With regard to State immunity from measures of constraint (art. 18), he sought clarification of the meaning and exact scope of the provision that a State could not invoke immunity from execution where it had "allocated or earmarked property for the satisfaction of the claim which is the object of that proceeding" (art. 18, para. 1 (b)). In general, it seemed that a State would have difficulty in waiving immunity from execution in cases where the property had no connection with the claim which was the object of the proceeding, and that it would also be difficult to waive such immunity in a proceeding involving the rights of a State in immovable property (art. 13).

8. Moreover, the article concerning ships owned or operated by a State should also refer to aircraft and space objects. It would also be desirable to list the vessels owned or operated by a State to which jurisdictional immunities applied (art. 16). Lastly, listing the specific categories of property to which jurisdictional immunities applied (art. 19) posed the risk of excluding other categories of property to which such immunities might also apply.

9. **Mr. Fukushima** (Japan) recalled that three years had passed since the General Assembly had adopted resolution 49/61, that many States had not expressed views on the item and that the deadline for the submission of comments had passed. His Government valued the pragmatic approach reflected in the current draft articles of the Convention on jurisdictional immunities of States and their property, which facilitated the achievement of consensus on the range of activities to which immunity should or should not be applied. Three years earlier, notwithstanding the efforts made by the Chairman of the informal consultations, Mr. Carlos Calero-Rodrigues, differences of views had remained on several questions, notably the criteria to be used in determining the commercial character of a contract or transaction, and measures of constraint. In his view, in determining whether a contract or transaction was a commercial transaction, reference should be made primarily to the nature of the contract or transaction, but its purpose should also be taken into account. In order to avoid arbitrary interpretations, there should be a list of the categories of contracts or transactions for which immunity could be invoked. With regard to measures of constraint against the property of a State, he believed that reference should be made primarily to the property against which measures of constraint might be taken and the degree of connection between such State property and the dispute in question.

10. With regard to the programme of work on the draft articles, in its resolution 49/61 of 9 December 1994, the General Assembly had decided to resume consideration, at its fifty-second session, of the issues of substance, in the light of the comments submitted by States. Since most Governments had not submitted comments, it would be difficult to proceed as scheduled, particularly to make the necessary arrangements at the current session for convening the international conference of plenipotentiaries. However, his delegation, which was convinced of the need for and importance of concluding the convention, believed that it would be time-consuming to refer the draft articles to the International Law Commission again; his delegation wished to assure other Sixth Committee delegations that Japan would cooperate actively with them in an effort to establish a consensus in the light of comments to be submitted by Governments.

11. **Ms. Jacobson** (United States of America) said that, before convening a conference to elaborate a convention on the jurisdictional immunities of States and their property, and in order not to doom the conference to failure, it was necessary to make sure that the widest possible agreement could be reached, as called for in General Assembly resolution 49/61. The codification of the principles of customary international law relating to sovereign immunity should reflect the most modern and progressive developments of the law and incorporate clear rules of restrictive immunity. Her delegation noted with gratification that progress had been made in several areas, notably with respect to article 2, paragraph 1, of the Commission's draft articles (A/46/10); however, a number of issues had yet to be reconciled, such as the criteria for determining commercial activity and measures of constraint. Her delegation saw little chance of consensus in the near future on the issues in question, unless some States reconsidered their positions substantially; consensus must await the further development of State practice and customary international law.

12. The criteria for determining the commercial character of a transaction, particularly as reflected in article 2, paragraph 1 (c), were of utmost concern to her Government. The clear trend in customary law was acceptance of a nature-only test. In the informal consultations, her Government had indicated a readiness to agree in principle to certain exceptions to that rule, i.e., where the parties agreed in writing that the contract or transaction was not commercial,

and where the parties agreed in writing that the court might consider the government purpose for entering into the contract or transaction in determining its commercial character. Other Governments had felt, however, that those compromises were insufficient. The former Chairman of the Commission, Mr. Carlos Calero-Rodrigues, had suggested that a court should take purpose into account where the defendant State had at the time of becoming a party to the convention filed a declaration stating that under its law purpose was a criterion; or had notified the other party of such practice at the time of entering into the contract or transaction. Her delegation could not agree to that position for two reasons: firstly, it stopped the clear trend in customary law towards acceptance of the nature-only test; secondly, a general declaration provided insufficient notice to private parties that their contract with foreign States might be judicially unenforceable. Lastly, the provision would require the court of the forum State to apply the law of sovereign immunity — a fundamental jurisdictional issue — of the litigating State. Without a clear and unequivocal position that incorporated the nature-only test, her Government would not be able to accept the convention. It understood and respected the views of other States but believed that only time, and with it greater State exposure to domestic judicial systems that had adopted the nature-only test, would produce a compromise that all could accept.

13. Since there was still not a sufficient basis for compromise on measures of constraint (article 18 of the Commission's draft), more work was needed in that area as well before a conference was convened.

14. The current wording of draft article 11 (Contracts of employment) failed to address the major labour-employment issues facing diplomatic missions. Her delegation had raised before its concerns over the conflict between local labour laws and the ability of diplomatic facilities to perform their mission. Lawsuits against foreign States for actions relating to downsizing, reorganization and closing of diplomatic and consular facilities, and the withdrawal of diplomatic missions from participating in bankrupt mandatory social security systems for their locally hired personnel, had soared over the past two years. Informal consultations in the Sixth Committee next year on that subject might be useful in bridging the gap between the current scope of article 11 and State practice.

15. A better way of ensuring the widest possible agreement on key issues at an eventual conference would be for the Sixth Committee to continue its work on the convention after an appropriate period of further reflection. Convening a conference prematurely would jeopardize the goal of successfully concluding a convention; consequently, action on the question of a conference should be deferred to a future session of the Assembly.

16. **Mr. Duan Jielong** (China) said that the International Law Commission had considered the question of the jurisdictional immunities of States and their property for 13 long years before preparing a set of draft articles on the subject (A/46/10). The Sixth Committee had then set up a working group to consider the draft, but had as yet been unable to reach a consensus on a final draft. That underscored the fact that the issue in question was an important and complex topic of international law, in which fundamental national interests were at stake. There had always been two rival doctrines on the subject: some advocated absolute immunity, unless the State concerned voluntarily waived its immunity, while others advocated restrictive immunity and maintained that, under certain circumstances, foreign courts could exercise judicial jurisdiction over a State and its property even if the State concerned had not explicitly waived its immunity. So far, neither school of thought had achieved dominance in the theory of international law or in international practice. In international practice, a State would inevitably engage in international trade transactions on its own behalf; some such transactions were for profit, whereas others were carried out for the purpose of promoting social and public interests, such as the purchase of food for disaster relief. In the case of transactions for profit, the State concerned should not claim jurisdictional immunities abroad; in the case of transactions in the public interest, it was inappropriate for a foreign court to exercise jurisdiction over the State concerned without its explicit prior waiver of immunity. Sometimes individuals or enterprises of some States suing the enterprise of another State would name the latter State as co-defendant, and sometimes they would simply sue only the State to which the enterprise belonged, and the court trying the case would assert jurisdiction over the State concerned. His country believed that as an independent legal person, any enterprise must, whatever its ownership, assume responsibility for its business activities; accordingly, the commercial transactions entered into by a State enterprise on its own behalf and within the scope of the law could not and should not entail any liability for the State. If one were to accept the argument that whenever a transaction entered into by a State enterprise on its own behalf gave rise to a dispute the State to which the enterprise belonged could be named as a co-defendant, there would be legal chaos and there could be abusive use of domestic jurisdiction over other countries, which would adversely affect inter-State relations.

17. There were many crucial issues that had yet to be resolved: for example, the criteria for determining whether

a transaction was commercial in nature, whether waiver of immunity from legal proceedings necessarily meant giving up immunity from measures of constraint, and under what circumstances was State property subject to measures of constraint. Thus far, fewer than 10 countries had enacted laws dealing specifically with jurisdictional immunities of States and their property; all other States dealt with the issue in accordance with the general principles and practice of national civil law; it was therefore necessary to elaborate an international convention on the issue based on a broad consensus.

18. In the first place, when determining the nature of a transaction, it was necessary to take into consideration the purpose of the transaction, because transactions of a State were often conducted not for profit but for the public interest; treating all international transactions of a State as commercial transactions without regard to their purpose could lead to an abuse of national jurisdiction that would adversely affect relations between States. Secondly, there was a need to distinguish between a State and State enterprises: unless the State specifically authorized a State enterprise to enter into a commercial transaction on its behalf, the State clearly should not incur any liability in connection with the transactions of such enterprise. Thirdly, regarding measures of constraint against State property, it should be recalled that such property was composed of many parts, each of which performed distinct functions and was managed by different agencies; most types of State property and agencies carried out social management and public interest functions. Clearly, in the event of a judgement that was unfavourable to a State, measures of constraint on its property should be confined to the part of State property that was closely related to the legal proceedings; that would prevent a lawsuit from jeopardizing the State's social management and public interest functions. Moreover, his delegation was opposed to the adoption of measures of constraint, such as the seizing or freezing of State assets, before a final judgement was passed.

19. His delegation had no objection to the convening of a diplomatic conference at an appropriate time to conclude an international convention on the question. However, the immediate task should be to try to settle the basic differences through consultation and discussion.

20. **Mr. Verweij** (Netherlands) said that although considerable progress had been made during the debates, differences of substance still remained. Further careful study of the details of contemporary State practice would be appropriate. Before convening a diplomatic conference to negotiate a convention there must be reasonable prospects of reaching the broadest possible agreement, for if the Convention did not have the support of a large number of States or if agreement could not be reached, the codification process in that area would be adversely affected. Consequently, there was no need to rush into convening a diplomatic conference. Moreover, because of time constraints it had not been possible to consider the issue in detail. The Committee should concentrate its energies on preparations for the conference that was to be held in Rome in 1998 on the creation of an international criminal court. There were three key issues: firstly, it was necessary to clarify the distinction between *acta jure imperii* and *acta jure gestionis*; secondly, it was necessary to determine which entities could, from the legal standpoint, enjoy jurisdictional immunity and, lastly, it was necessary to establish the extent of immunity from execution.

21. **Ms. Sucharipa** (Austria) said that the Chairman's conclusions (contained in document A/C.6/49/JI/CRP.1-5), would help to narrow the differences standing in the way of the adoption of a universally acceptable and effective international instrument on immunities of States. Although the working group had made highly commendable progress, it was not yet possible to reach a compromise acceptable to a wide majority. Furthermore, it was possible that some States might change their perception of the issue and it would therefore be useful to allow for additional time before deciding to convene a diplomatic conference; that decision should be taken at the fifty-third session of the General Assembly so as not to lose the momentum towards the building of broad consensus. As to the definition of the term "State", his delegation supported the compromise proposed by the Chairman on the basis of articles 27 and 28 of the European Convention on State Immunity, which had proved to be sufficiently flexible to adapt to the different constitutional structures of Member States.

22. Concerning the definition of the term "commercial transaction" Austria primarily applied the criterion of nature to determine the character of a transaction. However, in view of the fact that the issue continued to give rise to great controversy her delegation welcomed the Chairman's proposal which was flexible and at the same time provided a higher degree of legal certainty, in particular for private parties. Her delegation could go along with a provision according to which a State which did not make a declaration or notification clarifying the potential relevance of the purpose criterion under its national law and practice, would be assumed to accept the application of the nature criterion in determining the character of a transaction.

23. Her delegation was of the view that article 10, para. 3, proposed by the International Law Commission (A/46/10) ensured that State immunity could not be applied to State

enterprises as defined by the provision. It continued to support the text proposed by the Commission, particularly in view of the increasing tendency, worldwide, towards privatization and increased commercial autonomy of State-owned enterprises.

24. On the question of contracts of employment, her delegation reserved its position until further clarification was provided, especially with regard to the term "closely related to the exercise of governmental authority". In regard to article 11, para. 2 (b), the Chairman's proposal was acceptable.

25. Her delegation was conscious of the difficulty in finding an adequate and acceptable balance between the interest of the State in minimizing interference with its activities and the legitimate interests of a party in obtaining satisfaction from a State based on a valid judgement. Thus draft articles 18 and 19 required more extensive consideration. In that regard there was considerable merit to the Chairman's proposal calling for greater emphasis on voluntary compliance by a State against which satisfaction was sought, based on a valid judgement. His suggestions envisaging international dispute settlement procedures concerning the implementation of judgements and possible measures of constraint against State property merited further consideration. A distinction could, perhaps, be drawn between judgements directly against a State and those against other types of entities.

26. In order to reach a compromise with regard to pre-judgement measures, various criteria and conditions could be inserted which would restrict the property subject to such measures. Pre-judgement measures could be restricted to those against earmarked property, property connected with the object of disputes or property situated in the forum State. Although her Government had thus far opposed such limitations it could go along with the inclusion of one or other of the conditions in the interest of achieving a generally acceptable solution.

27. With regard to measures of constraint in case a State failed to satisfy a binding and final judgement within a limited period, Austria could agree that measures of constraint could be taken against specific property situated in the territory of the forum State. Her delegation would submit a proposal for a reformulation of article 18.

28. Austria was traditionally in favour of introducing international mechanisms of dispute settlement, in particular legally binding mechanisms, into international instruments. However, in the context of the draft articles under consideration, rules governing the settlement of disputes had to be closely interconnected with the specific requirements arising out of proceedings involving States and their property.

29. Her delegation wished to stress the importance of the elaboration of a convention on State immunities, and believed that it should be possible to overcome the still existing divergencies of opinion and to find a widely acceptable compromise. It therefore suggested that consideration of the topic should be resumed at the fifty-third session of the General Assembly.

30. **Mr. Saguier Caballero** (Paraguay) said that his country had followed with interest the studies on the topic "jurisdictional immunities of States and their property" which had culminated in the draft articles prepared by distinguished legal experts and it supported the adoption of a convention on the issue and the convening of a special conference at which Paraguay would join in approving the convention.

31. He said that a Geneva court had admitted a lawsuit against his country, dismissing the exception taken on grounds that the court was not competent to rule owing to State immunity and lacked jurisdiction, as demonstrated by Paraguayan defence attorneys. It should be noted that the country of the forum which had accepted the suit against the State of Paraguay used the same arguments as the latter to defend its position when it sued in the United States by private parties. Nevertheless, he was confident that justice in Switzerland, a country with a deep-rooted democratic tradition, would reject the suit, especially considering the official note dated 15 April 1997 addressed to the Paraguayan Foreign Ministry stating that the Swiss Federal authorities in charge of foreign relations had sent a communication to the Court of Justice of the Republic and Canton of Geneva drawing attention to the fraudulent nature of the issue.

32. Paraguay supported the basic concept that States enjoyed immunity from the jurisdiction of the courts of other States and the measures of constraint which they might adopt. While there might be exceptions, they should be fully justified and in conformity with the convention, and the applicability of State immunity and measures of constraint should not be left to the interpretation given a general reference to international law.

33. Paraguay was fully in agreement with the definitions proposed by the Rapporteur and with the criterion for determining the nature of a transaction. A State could not wait until the proceedings taking place in a foreign court were over to decide whether to invoke its immunity. The immunity should be immediately recognizable and to that end, it might be advisable to strengthen the powers of the

executive branch, which was in charge of foreign relations. It was not a question of going back to the old principle of absolute immunity, but neither should that principle be totally watered down to the point where exceptions to the rule took precedence over the rule itself. Therefore, it was necessary to establish precise rules in order to prevent abuses by either party.

34. States should not enjoy impunity, but neither should a State be subject to the jurisdiction of another State without justification. The State of Paraguay found itself in that situation: it was being sued by nine banks in Switzerland which had acquired fraudulent credits from a bank which had gone under. At the request of the Government of Paraguay, the Attorney-General of the Republic and the Canton of Geneva had launched a criminal investigation of that attempt to defraud the Republic of Paraguay: its purpose was to establish the participation of those banks and of the officials of the countries that had provided the money that had gone into the pockets of private individuals. He pointed out that to counter just such situations, it was urgent to put together an international agreement that would regulate State immunity in a rational manner without making it tantamount to impunity. Justice should prevail, being based on a balanced and clear set of rules that respected the dignity and sovereignty of States.

35. **Mr. Varso** (Slovakia) said that the General Assembly, in its resolution 49/61 of 9 December 1994 on the convention on jurisdictional immunities of States and their property had decided "... to resume consideration at its fifty-second session of the issues of substance in the light of the above-mentioned reports and the comments submitted by States thereon, and to determine at its fifty-second or fifty-third session, the arrangements for the conference, including the date and place, due consideration being given to ensuring the widest possible agreement at the conference".

36. The delegation of Slovakia favoured postponing the discussion of substance on the item until the fifty-third session of the General Assembly in order to allow enough time to consider it in the Sixth Committee.

37. His country considered that the codification and progressive development of rules governing the jurisdictional immunities of States and their property were important for the international community and could help to clarify the relevant judicial arrangements. Moreover, the fact that some States had elaborated and adopted very detailed internal regulations on the subject should not impede adoption of the convention, especially since the legislation of many other States did not contain any such regulations. The draft articles prepared by the Commission provided a sound basis for the codification process which would lead to the elaboration and adoption of the multilateral convention.

38. His delegation thought that the outcome of the discussion at the fifty-third session would indicate how to proceed subsequently in respect of the draft articles. There were two possibilities: to refer the draft to the International Law Commission so that it could amend its provisions in accordance with the instructions received from States or, before convening the conference, to establish a working group to rework the text with a view to garnering the broadest possible agreement of States.

Agenda item 146: United Nations Decade of International Law (*continued*)

(c) Draft guiding principles for international negotiations (*continued*)

39. **The Chairman** announced that Uruguay had joined the list of sponsors of draft resolution A/C.6/52/L.4.

The meeting rose at 11.45 a.m.

A/C.6/52/SR.27

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United Nations A/C.6/52/SR.27

General Assembly
Fifty-second session

Official Records

Distr.: General
27 February 1998
English
Original: Spanish

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Summary record of the 27th meeting
Held at Headquarters, New York, on Thursday, 13 November 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

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Agenda item 152: Measures to eliminate international terrorism

Agenda item 148: Report of the United Nations Commission on International Trade Law on the work of its thirtieth session (*continued*)

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97-82772 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 152: Measures to eliminate international terrorism (A/52/304 and Add.1 and Corr.1, A/52/37 and A/C.6/52/L.3)

1. **Mr. Kirsch** (Canada), Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, and of the Working Group of the Sixth Committee, introduced the reports of the Ad Hoc Committee (A/52/37) and of the Working Group (A/C.6/52/L.3).

2. The draft international convention for the suppression of terrorist bombings was, in many ways, the most progressive and the broadest of all the anti-terrorism instruments adopted within the United Nations system. In essence, the draft convention defined certain offences, required that States should criminalize such offences, and made them subject to a regime under which States, including the State of the territory on which alleged offenders were found, had the obligation to prosecute or extradite alleged offenders. It also contained a number of provisions on mutual assistance and other forms of international cooperation. What set the draft convention apart from other instruments was the scope of the offences it covered. In the past, conventions on terrorism had applied to very specific offences and had to be supplemented as other forms of terrorism developed; the current draft, on the other hand, was flexible enough to counter the proven inventiveness of terrorists. Thus, for example, article 2 covered not just bombing attacks, but also attacks with explosives or other lethal devices, including radioactive materials or chemical or biological agents and toxins, and included a wider range of potential terrorist targets, such as State or government facilities, public transportation systems or places of public use.

3. Previous conventions had gone to great lengths to establish the necessary international nexus for offences to fall within their ambit. The current draft convention recognized that, while attacks might be strictly local, terrorists were highly mobile; that explained the wording of article 2 *bis*. The criminal law provisions contained in articles 4 to 9 *ter* were aimed at ensuring the prosecution and punishment of those who committed terrorist bombing offences. The traditional prosecute-or-extradite provisions had been strengthened in article 7, paragraph 2, under which a State that did not ordinarily extradite its own nationals, could do so subject to certain conditions and limitations. Articles 9, 9 *bis* and 9 *ter* represented notable advance in the area of extradition and mutual assistance. States parties could not refuse extradition or assistance solely on the grounds that the offence had been politically motivated, although offences aimed at causing property damage were included only if the intended destruction was extensive and resulted in major economic loss. The removal of the "political offence" exception had been balanced with detailed safeguards contained in article 9 *ter*. In addition, under the general safeguards clause in article 10 *bis*, all the provisions of the draft convention were subject to the applicable provisions of international law, including those relating to human rights. The provisions contained in articles 10 and 11 were designed to render law enforcement efforts more efficient through international cooperation. Lastly, the draft convention contained final clauses that had now become standard in anti-terrorism instruments.

4. Before turning to article 3, which had been left blank, he wished to note that, like any instrument that was the product of negotiations, the draft convention did not fully satisfy delegations; that fact would certainly be reflected in the debate. However, given the delicate balance that had been achieved, it was unlikely that the quality of the text could be improved.

5. The draft of article 3 discussed by the Ad Hoc Committee and the Working Group contained a provision that would exempt from the parameters of the draft convention the actions of armed forces in time of conflict, as well as those of the military forces of a State in connection with their official duties. All delegations had acknowledged that actions carried out in the course of armed conflict were comprehensively, and more appropriately, covered by the existing body of international law dealing with such conflicts. The proposal concerning an exemption for military forces in the exercise of their official duties had, however, proved more difficult to accept. Unfortunately, owing to a lack of time, the differences could not be resolved in the Working Group. For that reason, it had not been deemed appropriate to submit a text of article 3. He hoped that the current discussions would shortly lead to the submission to the General Assembly of a recommendation in that connection, since all delegations understood the substance of the draft convention, as well as the need to maintain a balance between different political concerns and the demands of different legal systems.

6. **Mr. Díaz** (Costa Rica) said that his country was opposed to all forms of terrorist attacks, wherever and by whomsoever they were committed. For that reason, his delegation would welcome the adoption at the current session of the draft international convention for the suppression of terrorist bombings. In order to find a solution acceptable to all, his delegation had prepared a draft of

article 3 which would be made available to all those delegations that wished to consider it.

7. **Mr. Hamdan** (Lebanon) sought clarification on the statement of the representative of Canada.

8. **Mr. Verweij** (Netherlands), speaking on behalf of the European Union, the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Romania and Slovakia, and, in addition, Iceland and Norway, said that those countries unequivocally condemned terrorism, and had taken a great number of measures to combat that criminal phenomenon.

9. All the States members of the European Union were parties to the European Convention on the Suppression of Terrorism, adopted in 1977 within the framework of the Council of Europe. More recently, in 1996, an agreement had been concluded within the European Union in relation to extradition between member States. The European Union also continued to collaborate and coordinate activities with other States or groups of States, including the United States of America within the framework of the transatlantic dialogue. It had also actively contributed to measures to combat terrorism both within and outside the United Nations. In that regard, he recalled the previous year's debate in the Sixth Committee and the Declaration on Measures to Eliminate International Terrorism (General Assembly resolution 49/60, annex). It was evident that no single nation or group of nations would be able to win the battle against international terrorism on its own. The European Union therefore valued the continued consideration of that issue in the United Nations and had actively participated in the negotiations on the drafting of an international convention for the suppression of terrorist bombings.

10. In only four weeks of intensive negotiations, satisfactory results had been achieved; unfortunately, the issue of the non-applicability of the Convention to military activities had not been resolved and it was to be hoped that constructive discussion would continue on that issue.

11. The current draft was a major step forward, since the offences it covered had been carefully defined and the fundamental principle *aut dedere, aut judicare* would ensure that those who committed such offences were brought to justice.

12. With regard to the report of the Secretary-General on measures to eliminate international terrorism (A/52/304), the European Union was grateful to those States which had submitted information regarding the prevention and suppression of international terrorism and on incidents caused by international terrorism; the information supplied by international organizations was also very helpful, in particular the report of the International Civil Aviation Organization (ICAO) according to which the number of incidents of unlawful interference with civil aviation was declining in the 1990s. Other activities worth mentioning were the workshops and training courses organized by ICAO and the Crime Prevention and Criminal Justice Division of the Secretariat, which was carrying out useful work in the dissemination of information on new forms of terrorism. The European Union hoped that a compendium of national laws and regulations on the subject would be published soon and associated itself with the request by the Secretariat for States to submit information on their national laws and regulations.

13. The European Union had carefully studied the status of the 13 international conventions pertaining to international terrorism and had noted that many States had not yet signed or ratified them; it therefore called on all States to accede to all those instruments so as to close the legal net around terrorists.

14. **Mr. Saguier Caballero** (Paraguay), speaking on behalf of the Rio Group, said that at the eleventh summit meeting of Heads of State and Government of the Rio Group, the countries had reaffirmed the common principles and objectives of ensuring peace and the common good, safeguarding representative democracy and building a joint future on the basis of cooperation, respect for sovereignty, self-determination and the legal equality of States.

15. At the regional level, judicial cooperation had been strengthened against terrorism, drug-trafficking, arms trafficking and other illegal activities through the implementation of new bilateral and multilateral instruments of mutual assistance and the exchange of information. The Rio Group believed that international terrorism was a threat to the peace and development of the peoples, and had therefore included it in the Asunción Declaration as a priority subject.

16. The intensification of international cooperation based on full respect for the purposes and principles of the Charter of the United Nations was the best course for making a concerted and effective response to the terrorist threat. The Rio Group therefore supported all measures designed to strengthen the legal framework in accordance with General Assembly resolutions 49/60 and 51/210 and other documents such as the Lima Declaration and the Asunción Declaration.

17. He stressed the support provided by the Rio Group to the establishment of an ad hoc committee to elaborate an international convention for the suppression of terrorist bombings. It was regrettable that the ad hoc committee, later

constituted as a working group, had not been able to send to the Committee the final text of the draft convention, which would supplement the existing mechanisms of legal cooperation and assistance.

18. Asylum was a humanitarian institution which was rooted in Latin American practice. The Rio Group therefore feared that some terrorists might try to take advantage of that noble institution in an attempt to avoid their criminal responsibility, and affirmed that those who committed criminal acts for political purposes, spreading terror among the population, must be punished to the full extent of the law.

19. The Rio Group was aware that international terrorism gravely disrupted public security and terrorized the civilian population; therefore, inspired by the principles and objectives of the Asunción Declaration, it had made a firm commitment to establish appropriate mechanisms to eliminate that threat throughout the world.

20. **Mr. Owada** (Japan) said that the occupation of the residence of the Japanese Ambassador in Peru and the taking of hostages by a group of terrorists in 1996 had reinforced Japan's resolve to combat terrorism and to strengthen international cooperation in that effort.

21. The report of the Secretary-General on measures to eliminate international terrorism (A/52/304) referred to some measures adopted by Japan to improve the effectiveness of its fight against terrorism. In December 1996, an international seminar on the issue had been held in Japan in which 11 countries of the Asia and Pacific region had participated; that event had been followed by a conference organized in October 1997, in conjunction with ASEAN, in which all the members of ASEAN had participated. More than 10 international conventions relating to terrorism had been adopted; Japan appealed to those countries which had not yet done so to accede to them as soon as possible, so as to make them truly effective; Japan intended to become a party to all the conventions by the end of the year 2000.

22. His Government had also taken an active part in the deliberations on the draft international convention for the suppression of terrorist bombings and found it unfortunate that the issue of its application to the activities of military forces had made it impossible for the convention to reach the stage of adoption. It understood that certain delegations felt that some of the proposals could create the impression that the convention condoned otherwise unlawful conduct by a State or its military forces. However, under general international law, foreign military forces enjoyed judicial immunity, and the convention should not apply to the activities of the military forces of a State undertaken in the exercise of their official duties. His delegation hoped that differences of views could be reconciled so that that important convention could be promptly finalized and adopted by consensus.

23. Over the past 12 months various international organizations, such as the International Civil Aviation Organization, had held workshops and seminars on combatting terrorism. Those activities were very useful and, by facilitating the exchange of information, helped promote the fight against international terrorism.

24. Lastly, Japan believed that the publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism would be useful for States in their efforts to combat that scourge. It had therefore submitted to the United Nations copies of its laws and regulations in that field and appealed to States which had not yet done so to do likewise as soon as possible.

25. **Mr. Sylla** (Mali) said that terrorist acts were on the rise throughout the world, and Africa was no exception. At the national level, the Government of Mali had adopted laws and regulations on crimes related to terrorism, such as arms and drug trafficking, and money-laundering. At the regional level, it had signed various instruments on the same subject as part of the regional integration process. At the international level, Mali had acceded to various conventions, including conventions on terrorism in aircraft and airports, the taking of hostages, and psychotropic substances.

26. The international community must coordinate its strategies and unite its efforts, respecting the cultural values of each State, in order to combat terrorism, violence and economic and environmental crimes. It was necessary for the international community to adopt a consensus definition of terrorism so that Governments could prevent, combat and eliminate it.

27. **Mr. Al-Ajlan** (Saudi Arabia) said that, with a view to implementing the principles contained in the Charter of the United Nations and of the norms of international law, Saudi Arabia had signed and ratified a number of regional and international treaties dealing with terrorism. In that regard, his delegation commended the Sixth Committee, whose efforts to formulate a legal basis for the fight against terrorism would affect the entire international community.

28. Saudi Arabia condemned terrorism in all its forms and manifestations and supported the proposals on a draft international convention for the suppression of terrorist bombings, particularly the proposals relating to the inclusion of the concepts of international humanitarian law in the draft articles. It was necessary to come up with a formula

acceptable to all, one that would encourage countries to accede to the convention.

29. Terrorism as an international phenomenon did not have its origin in any particular religion. Islam was a religion that embodied the concept of human rights. There was a need for concerted efforts at the international level, bearing in mind the interests of small States that did not have the technology or means to combat certain forms of terrorism. In that regard, his delegation wished to point out that some countries were acquiring deadly weapons in quantities that exceeded their security needs, thereby endangering the stability of the region and flouting the international community's aspirations for security and stability.

30. **Mr. Chimimba** (Malawi) reiterated Malawi's unequivocal condemnation of international terrorism in all its forms and manifestations and reaffirmed its continued commitment to combat that scourge. As was clear from the Secretary-General's report (A/52/304), Malawi was a party to most of the multilateral instruments related to the prevention and suppression of international terrorism. In 1972, Malawi had passed the Hijacking Act, which gave domestic effect to the three main instruments on the subject; the Act also specified a series of unlawful acts against water and land transport. All the offences under the Act were extraditable, and the maximum punishment was life imprisonment. Moreover, Malawi invariably sought robust aviation security provisions for all bilateral air services agreements, and all its partners had agreed to those provisions in their desire to enhance international cooperation in that area.

31. The 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Declaration to supplement it were important initiatives that had been adopted in recent years, which focused on practical aspects of international cooperation to combat terrorism. In that regard, Malawi had participated in the negotiations on a convention on the suppression of terrorist bombings, and it was satisfied with the outcome, in spite of the disagreements on article 3.

32. With regard to the draft under consideration, Malawi would have preferred more elaborate provisions on the subject matter of the convention. In its view, the current wording of article 2 did not seem to go far enough to solve the problem. Moreover, it would have been useful to include a provision on the possibility of trying crimes under the convention by an international tribunal. The failure to establish international jurisdiction, with a provision as a minimum similar to that contained in the Convention on the Prevention and Punishment of the Crime of Genocide, was one of the weaknesses of the draft. Those aspects should be taken into account in future instruments.

33. His delegation remained convinced that article 3 should not be a stumbling block to the adoption of that important instrument, and extra efforts should be made to ensure that the draft convention in its entirety captured the language of General Assembly resolution 51/210, namely that all acts, methods and practices of terrorism were criminal and unjustifiable, wherever and by whomsoever committed. Malawi looked forward to the early conclusion of that important instrument.

34. **Mr. Chang Beom Cho** (Republic of Korea) said that the Secretary-General's report would help strengthen international cooperation to prevent and suppress terrorism, and his delegation hoped that a compendium of national laws and regulations for that purpose could soon be produced.

35. The Republic of Korea deeply deplored the escalation of international terrorism and strongly condemned that phenomenon in all its forms, recalling the many acts of terrorism that it had experienced and the fact that terrorism was still a constant threat to the Republic of Korea. In the current age of globalization, terrorism did not respect national borders, and no State was immune from its scourge. Terrorism posed a serious threat to the security, stability and development of the global community, and it was a problem that could not be solved by any one State on its own. Only international cooperation could prevent it. That was why his delegation attached great importance to the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Declaration to supplement it.

36. One of the surest ways of eliminating international terrorism was to bring all terrorist offenders to justice for their crimes. In that regard, it was important to secure the universality of the current international legal regime related to terrorism. The Republic of Korea had acceded to seven conventions and was favourably considering the possibility of acceding to three others, and it encouraged Member States that had not yet done so to follow its example as soon as possible.

37. His delegation was pleased to note that the Ad Hoc Committee and the Working Group had made significant progress in drafting the complete text of the convention on the suppression of terrorist bombings, with the exception of one article. That reflected the international community's firm will to create an effective legal regime to curb that kind of terrorist attack.

38. In spite of some ambiguities that might arise as a result of the compromise, his delegation supported the overall

thrust of the draft convention. The draft contained some innovative measures that would contribute to the progressive development of international criminal law, including the depoliticization clause, the extradition waiver in the case of discriminatory prosecution or punishment, conditional extradition and the transfer of detained persons for investigation or prosecution purposes.

39. Once adopted, the draft convention would be the eleventh international legal instrument on international terrorism, sponsored by the United Nations system. The Republic of Korea firmly believed that the adoption of the convention would help fill the gaps in the current legal regime, which had provided terrorists with escapes and safe havens. The prevalence of terrorist bombings in many parts of the world made the speedy conclusion of the convention indispensable. His delegation sincerely hoped that, during the current session, the Sixth Committee would be able to agree on a workable formula for article 3.

40. In fact article 3 was a matter of legal policy, as it related to the scope of the Convention. The exclusion of certain activities did not imply either their legality or their impunity; the key question was which corpus of international law should govern activities of military forces in time of peace: the Convention, or other rules of international law. His delegation hoped that a middle ground could be found so that all concerns could be satisfactorily addressed.

41. The increased danger since the end of the cold war that terrorists might acquire nuclear materials underlined the urgent need to prepare an international instrument to suppress acts of nuclear terrorism. His delegation was prepared to participate actively in the discussion on the draft convention on nuclear terrorism, submitted by the Russian Federation.

42. Lastly, the Republic of Korea reaffirmed its firm commitment to the prevention and suppression of international terrorism, and its determination to cooperate closely with the international community to that end.

43. **Mr. Tahir** (Brunei Darussalam) condemned terrorism in all its manifestations, and said that accession to international agreements on the prevention of international terrorism and their implementation were crucial to efforts to eliminate it. Brunei Darussalam had embarked on various programmes to upgrade security at international points of entry and was currently undertaking both technical and legal measures in that regard.

44. He welcomed the progress made by the Ad Hoc Committee and the Working Group. His delegation's continuing presence in both bodies was further testimony to its commitment to support the efforts of the international community to fight international terrorism. He recalled that the General Assembly, in its resolution 51/210, paragraph 1, had strongly condemned all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed. Any attempt to legitimize actions of a State using force or violence against persons or property to intimidate or coerce a Government, members of the public or a section thereof, in furtherance of political or social objectives, was unacceptable. Therefore his delegation associated itself with those countries which were in favour of a convention covering all forms of terrorism in all its forms, by whomsoever committed, and reiterated the need in defining the scope of the criminal provisions of the draft Convention, for observance of the general principle of criminal law that both the element of *actus reus* and of *mens rea* must exist, so that there would be no room for confusion when the Convention was adopted at the municipal level.

45. His delegation would be participating in the work of the Ad Hoc Committee to establish a comprehensive legal framework of conventions dealing with international terrorism, as well as in the elaboration of an international convention for the suppression of acts of nuclear terrorism, in accordance with paragraph 9 of General Assembly resolution 51/210. In connection with the legal framework of conventions, further areas could be explored. The development of technology had provided terrorists with greater cross-border mobility and placed sophisticated means of achieving their ends at their disposal. The Internet, for example, could be a source of information for terrorists or a target for their attacks. The international community must stay one step ahead of the terrorists, by countering their acts before they were carried out.

46. Another solution would be to establish norms that would prevent terrorists from seeking refuge or establishing "safe havens", and that would provide for the confiscation of assets belonging to terrorists or their organizations. Only collective efforts could combat terrorist bombings, extortion, money laundering, the illegal arms trade and the abuse of modern information technology, all of which were inextricably linked.

47. Brunei Darussalam viewed favourably the report of the Secretary-General on measures to eliminate international terrorism, and would continue to provide the information requested by the Secretary-General on national measures to prevent and suppress international terrorism, and to support his efforts to publish a compendium of national laws and regulations. In that respect Brunei Darussalam had incorporated in its national legislation the Convention on the Prevention and Punishment of Crimes against Internationally

Protected Persons, including Diplomatic Agents, adopted by the United Nations General Assembly on 14 December 1973, bringing to five the number of international conventions relating to terrorism that were legally enforceable in the country. Brunei Darussalam would continue to study the other relevant international conventions with a view to acceding to them in due course.

48. **Mr. Preda** (Romania) said that his delegation endorsed the statement made by the Netherlands on behalf of the European Union, and welcomed the report of the Ad Hoc Committee and the report of the working group entitled "Measures to eliminate international terrorism" (A/C.6/52/L.3), which would provide useful information for the Committee's deliberations.

49. Romania expressed its solidarity with the victims of terrorism, which it repudiated in all its manifestations as always unjustifiable, in accordance with paragraph 3 of the Declaration on Measures to Eliminate International Terrorism. Romania reaffirmed its steadfast commitment to the letter and spirit of the international conventions relating to various aspects of terrorism and expressed its willingness to actively join international efforts to curb international terrorism, including bombings and acts of nuclear terrorism.

50. Fully aware of the consequences of terrorist acts, Romania had ratified practically all the conventions concluded to date on the matter. His delegation was fully convinced that it was possible to improve cooperation in that field, in particular through the exchange of the information necessary to prevent terrorist acts and the apprehension and prosecution, and even extradition, of the perpetrators of such acts. In connection with the latter aspect, he made mention of the declaration on the fight against organized crime, illegal trafficking in small arms and narcotic drugs and terrorism, adopted on 3 October 1997 at Varna by the Presidents of Bulgaria, Turkey and Romania. The extradition of those guilty of an act of terrorism to the State where the crime was committed would solve the problem at the international level despite the limitations of the principle of territoriality.

51. Terrorism was now being facilitated by the rapid development of communications, mass transportation and technology. Accordingly, those States which had not yet done so should become party to the relevant international conventions. The emphasis should be placed on educating public opinion through the mass media in order to prevent and combat terrorism. Romania was conscious of the role to be played by the United Nations in, *inter alia*, promoting public awareness of the consequences of terrorism, and was confident that the authoritative voice of the Organization would contribute to the adoption of measures in the interest of all States. As the Romanian Minister of Foreign Affairs had recently stated before the General Assembly, the United Nations should involve itself actively in the dismantling of terrorist infrastructures throughout the world. At the same time, it was necessary to promote the adoption of direct measures by the interested parties, discreetly, and without recourse to spectacular gestures.

52. **Mr. Perera** (Sri Lanka) said that acts of terrorism continued to increase worldwide, destabilizing societies, and bringing death and destruction to civilian life and property. For Sri Lanka it was not a question of legal semantics, but of life and death. The democratic polity cherished by the people of Sri Lanka for the last 50 years had come under severe stress as a result of continuing acts of terrorism by groups who believed in its use to attain their ends. The United Nations should send a message without further delay, through the adoption of legal norms, that resorting to terrorism against unarmed civilians, for any purpose, was morally repugnant and legally unacceptable.

53. The adoption the year before by consensus of General Assembly resolution 51/210 and the annexed Declaration was a landmark in the Organization's work in that regard. His delegation had cooperated with others to create, through those instruments, an effective framework on the basis of which the international community could take effective action to combat terrorism with a renewed sense of responsibility and urgency.

54. Terrorists were taking advantage of the vulnerability of public buildings and transport and information systems, and international cooperation was needed to protect those targets from attack. Resolution 51/210 noted that terrorist attacks by means of bombs, explosives or other incendiary or lethal devices had become increasingly widespread and stressed the need to supplement the existing legal instruments in order to address specifically the problems of terrorist attacks carried out against such objectives. His delegation welcomed the considerable progress made by the Ad Hoc Committee responsible for drafting an international convention for the suppression of terrorist bombings; as a result of the broad agreement achieved in the Working Group, the text of the convention was on the verge of completion. The draft convention was structured on the recognized principles of universal jurisdiction, and its purpose was to ensure that terrorists who targeted public buildings and facilities, including public transport systems, would enjoy no safe haven abroad. It underlined the total prohibition of the indiscriminate use of terror against innocent civilians and emphasized the principle that, whatever the motivation for such acts, they were not

justifiable under any circumstances. It was the view of his delegation that the text contained in the report of the Working Group represented a delicate balance, and it welcomed the continuing consultations to achieve consensus. The time had come to demonstrate a spirit of compromise, and his delegation strongly supported the adoption of the draft convention at the current session.

55. Another critical issue was the international movement of funds, which facilitated terrorist activities. The international community was increasingly concerned with that question and had recognized the need to pursue measures to deprive terrorists of their sources of financing. It was recognized that terrorists used front organizations, some ostensibly with charitable, social or cultural goals, as a cover for fund-raising activities. States must investigate such abuses and adopt regulatory measures to prevent the movement of such funds. It was essential that Member States should share information to expose the links between fund raising and terrorist activities, in particular through money laundering. The initiative to investigate lay primarily with the countries in which front organizations were maintained. Sri Lanka had begun a process of formulating a comprehensive legislative framework to counter serious international crimes, in particular, terrorist fund- raising. Proposed legislation in respect of money laundering focused, in particular, on offences relating to terrorism and drug trafficking, including those covered by the conventions to which Sri Lanka was a party. Those national measures could only be effective if they were supported by bilateral and multilateral measures.

56. Resolution 51/210 and the Declaration annexed thereto also addressed the issue of the use of electronic or wire communications systems or networks by terrorists to carry out criminal acts, and emphasized the need to prevent such criminality through enhanced bilateral cooperation. His delegation believed that regulatory controls were therefore necessary to prevent the abuse of the Internet by terrorist groups to solicit funds or, in general, to commit technical sabotage.

57. The Declaration also dealt with the important question of the abuse of refugee status by supporters and sympathizers of terrorists groups resident abroad. There was a clear relationship between the collection of funds by terrorist groups in foreign countries and organized trafficking in asylum-seekers. Such a distortion of a system of protection that had been devised with purely humanitarian objectives was unacceptable. As stated in the Declaration, the Convention relating to the Status of Refugees did not provide a basis for the protection of the perpetrators of terrorists acts, and States had an obligation, before granting refugee status, to ensure that an asylum-seeker had not participated in terrorist acts and, once that status had been granted, that it was not used for the purpose of preparing or organizing terrorists acts against States. His Government had entered into bilateral arrangements with other States for the orderly return of rejected asylum-seekers and was currently amending its immigration laws to combat organized trafficking in persons.

58. The principles set forth in General Assembly resolution 51/210 and the Declaration annexed thereto had contributed to the creation of a comprehensive legal framework for international cooperation in combatting terrorism. What was needed now was the political will to translate those principles into concrete action. Terrorism was a major cause of destabilization of sovereign States. It knew no frontiers, and no State, no matter how secure it might feel, could tolerate it. Unless the international community undertook a coordinated and determined effort to deal with the problem and its ramifications, terrorism would continue to be a principal source of insecurity and instability among nations.

Agenda item 148: Report of the United Nations Commission on International Trade Law on the work of its thirtieth session (*continued*) (A/C.6/52/L.6 and Corr.1, and L.7 and Corr.1)

59. **Mrs. Sucharipa** (Austria) introduced draft resolution A/C.6/52/L.6 and Corr.1 and said that Iceland, Jamaica and the former Yugoslav Republic of Macedonia had joined the sponsors. The draft was based on the report of the United Nations Commission on International Trade Law (UNCITRAL) (A/52/17) and was similar to the resolution adopted the previous year. She drew attention to the new paragraph 4 of the resolution, in view of the importance to UNCITRAL of replies from States.

60. In order to bring the text of paragraph 5 into line with the wording of paragraph 284 of the report of the Commission, in the English version the word "Governments" should be replaced by "States" and, at the end of the paragraph, the phrase "from the private sector" should be added.

61. **Mr. Tarasenko** (Russian Federation) said that, in the Russian version of paragraph 5, in the phrase "work with the private foundation", the word "*b*" should be replaced by "*c*".

62. **The Chairman** said he took it that the Committee wished to adopt the draft resolution, as orally amended.

63. *Draft resolution A/C.6/52/L.6 and Corr.1, as orally amended, was adopted.*

64. **Mrs. Sucharipa** (Austria) introduced draft resolution A/C.6/52/L.7 and Corr.1.

65. **Mr. Kawamura** (Japan) and **Ms. Giraldo** (Colombia) said that Japan and Colombia had joined the sponsors of the draft resolution.

66. **Ms. Gao Yanying** (China) said that there were some errors in the Chinese translation of the text of which she would inform the Secretariat in writing.

67. **The Chairman** said he took it that the Committee wished to adopt the draft resolution.

68. *Draft resolution A/C.6/52/L.7 and Corr.1 was adopted.*

The meeting rose at 12.35 p.m.